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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,566	10/18/2001	Zvi Lifshitz	P-3668-US	5035
27130	7590	07/02/2004	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			WONG, ALLEN C	
			ART UNIT	PAPER NUMBER
			2613	3

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,566

Applicant(s)

LIFSHITZ, ZVI

Examiner

Allen Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The present form of the specification and the claim language does not specifically disclose how it pertains to the crucial aspects of the MPEG-4 video encoding processes and video coding elements such as texture coding, motion coding, shape coding, or any of the critical aspects of image coding. The specification and the claims require further elaboration to clearly illustrate how MPEG-4 video coding is done so as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eleftheriadis (6,092,107), Henry (5,864,877) in view of Miyagosi (6,047,027).

Regarding claim 1, Eleftheriadis discloses a method SegmentDescriptor implementation in ISO/IEC 14496-5 (fig.2, note Eleftheriadis discloses the use of an MPEG-4 encoder/decoder module at the MPEG application unit 100, and that the ISO/IEC 14496-5 is a simulation software to execute MPEG-4 coding/decoding, where element 100 used in combination with the authoring unit 130 and user input 140 recompiles the source code to allow the encoding/decoding of MPEG-4 data).

Eleftheriadis does not specifically disclose defining a SegmentDescriptor class that derives from BaseDescriptor and adding an array of SegmentDescriptor objects to ObjectDescriptor. However, Henry teaches defining a SegmentDescriptor class that derives from BaseDescriptor (fig.2, note segment descriptors are used and the segment descriptors are derived from the base address or the base descriptor) and adding an array of SegmentDescriptor objects to ObjectDescriptor (fig.3, note multiple segment descriptor objects are added to the object descriptor in memory 350). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Eleftheriadis and Henry, as a whole, for permitting an effective, precise MPEG-4 encoder/decoder system of encoding, transmitting and receiving image data.

Eleftheriadis and Henry do not disclose adding an object method to StreamConsumer that activates a Fetch method of MediaStream, checks time stamps of fetched media units and discards all media units that are not in a range of a

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specified segment. However, Miyagosi teaches adding an object method to StreamConsumer that activates a Fetch method of MediaStream, checks time stamps of fetched media units and discards all media units that are not in a range of a specified segment (col.5, ln.50 to col.6, ln.35; note the time stamps data PTS, DTS, and SCR are checked and compared to determine synchronization of the video and audio data, and discarding of unnecessary data). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Eleftheriadis, Henry and Miyagosi, as a whole, for permitting the encoding, transmitting and decoding of MPEG-4 data so as to view high quality image data.

Regarding claim 2, Eleftheriadis discloses replacing one or more calls to GetStream -> Fetch in source code of a Renderer module with calls to said object method (fig.2, note Eleftheriadis discloses the use of an MPEG-4 encoder/decoder module at the MPEG application unit 100, and that the ISO/IEC 14496-5 is a simulation software to execute MPEG-4 coding/decoding, where element 284 is a renderer, and element 100 used in combination with the authoring unit 130 and user input 140 recompiles the source code to allow the encoding/decoding of MPEG-4 data).

Regarding claim 3, Eleftheriadis discloses a method of MediaSensor implementation in ISO/IEC 14496-5 (fig.2, note Eleftheriadis discloses the use of an MPEG-4 encoder/decoder module at the MPEG application unit 100, and that the ISO/IEC 14496-5 is a simulation software to execute MPEG-4 coding/decoding, where element 100 used in combination with the authoring unit 130 and user input 140 recompiles the source code to allow the encoding/decoding of MPEG-4 data).

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Eleftheriadis does not specifically disclose defining a MediaSensor class that derives from StreamConsumer. However, Henry teaches defining a SegmentDescriptor class that derives from BaseDescriptor (fig.2, note segment descriptors or mediasensor are used and the segment descriptors are derived from the base address via stream consumer). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Eleftheriadis and Henry, as a whole, for permitting an effective, precise MPEG-4 encoder/decoder system of encoding, transmitting and receiving image data.

Eleftheriadis and Henry do not disclose adding an object method to StreamConsumer that activates a Fetch method of MediaStream, checks time stamps of fetched media units and discards all media units that are not in a range of a specified segment; and adding a parameter to said object method and to said Fetch method so that when said parameter has a predefined value, calls to said object method and to said Fetch method return normal results but do not affect the availability of media units in a buffer of a MediaStream object. However, Miyagosi teaches adding an object method to StreamConsumer that activates a Fetch method of MediaStream, checks time stamps of fetched media units and discards all media units that are not in a range of a specified segment (col.5, ln.50 to col.6, ln.35; note the time stamps data PTS, DTS, and SCR are checked and compared to determine synchronization of the video and audio data, and discarding of unnecessary data); and adding a parameter to said object method and to said Fetch method so that when said parameter has a predefined value, calls to said object method and to said Fetch method return normal results but do not

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affect the availability of media units in a buffer of a MediaStream object (col.5, ln.50 to col.6, ln.35; note the time stamps data PTS, DTS, and SCR are checked and compared to determine synchronization of the video and audio data). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Eleftheriadis, Henry and Miyagosi, as a whole, for permitting the encoding, transmitting and decoding of MPEG-4 data so as to view high quality image data.

Regarding claim 4, Eleftheriadis and Henry do not disclose adding an object method to StreamConsumer that given a time stamp determines which segment of a stream whose media units are stored in said buffer is now playing. However, Miyagosi teaches adding an object method to StreamConsumer that given a time stamp determines which segment of a stream whose media units are stored in said buffer is now playing (col.5, ln.50 to col.6, ln.35; note the time stamps data PTS, DTS, and SCR are checked and compared to determine synchronization of the video and audio data). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Eleftheriadis, Henry and Miyagosi, as a whole, for permitting the encoding, transmitting and decoding of MPEG-4 data so as to view high quality image data.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eleftheriadis (6,092,107) in view of Dossche (www.codeguru.com/Cpp/V-S/devstudio_macros/article.php/c3149/).

Regarding claim 5, Eleftheriadis discloses an implementation of SegmentDescriptor in a Core module of ISO/IEC 14496-5 that requires a Renderer module of ISO/IEC 14496-5 and recompilation of said source code (fig.2, note

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Eleftheriadis discloses the use of an MPEG-4 encoder/decoder module at the MPEG application unit 100, and that the ISO/IEC 14496-5 is a simulation software to execute MPEG-4 coding/decoding, where element 284 is a renderer, and element 100 used in combination with the authoring unit 130 and user input 140 recompiles the source code to allow the encoding/decoding of MPEG-4 data).

Although Eleftheriadis does not specifically disclose a global find-and-replace in source code, however, Dossche teaches the use of a global find-and-replace in source code (note whole printout of article teaches a global find-and-replace in source code). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Eleftheriadis and Dossche, as a whole, for permitting an effective, precise MPEG-4 encoder/decoder system of encoding, transmitting and receiving image data.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Allen Wong
Examiner
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AW
6/28/04